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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration  
Submitted  
With Initial  
Filing**OR**Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number	259.US
First Named Inventor	Gabriel Birkus
<b>COMPLETE IF KNOWN</b>	
Application Number	
Filing Date	<b>October 14, 2004</b>
Art Unit	
Examiner Name	

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND COMPOSITIONS FOR IDENTIFYING  
ANTI-HIV THERAPEUTIC COMPOUNDS**

*(Title of the Invention)*

the specification of which

 is attached hereto**OR** was filed on (MM/DD/YYYY) 04/25/2003 as United States Application Number or PCT InternationalApplication Number PCT/US03/12943 and was amended on (MM/DD/YYYY)   (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to:  The address associated with Customer Number: 25000  OR  Correspondence address below

## Name

GILEAD SCIENCES, INC.

## Address

333 Lakeside Drive

## City

Foster City

## State

California

## ZIP

94404

## Country

United States of America

## Telephone

(650) 574-3000

## Fax

(650) 522-5575

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## NAME OF SOLE OR FIRST INVENTOR:

A petition has been filed for this unsigned inventor

## Given Name (first and middle [if any])

Gabriel

## Family Name or Surname

Birkus

## Inventor's Signature

## Date

## Residence: City

San Francisco

## State

California

## Country

US

## Citizenship

SK

## Mailing Address

1266 Stanyan Street #4

## City

San Francisco

## State

California

## Zip

94117

## Country

US

## NAME OF SECOND INVENTOR:

A petition has been filed for this unsigned inventor

## Given Name (first and middle [if any])

James M.

## Family Name or Surname

Chen

## Inventor's Signature

## Date

## Residence: City

San Ramon

## State

California

## Country

US

## Citizenship

US

## Mailing Address

4015 Marblehead Drive

## City

San Ramon

## State

California

## Zip

94583

## Country

US

Additional inventors or a legal representative are being named on the 3 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

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## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Page 1 of 3

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Xiaowu		Chen	
Inventor's Signature			Date
San Mateo Residence: City	California State	US Country	US Citizenship
377 Laurie Meadows Drive, Apt. 319			
Mailing Address			
San Mateo City	California State	94403 Zip	US Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Tomas		Cihlar	
Inventor's Signature			Date
Foster City Residence: City	California State	US Country	CZ Citizenship
727 Caravel Lane			
Mailing Address			
Foster City City	California State	94404 Zip	US Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Eugene J.		Eisenberg	
Inventor's Signature			Date
San Carlos Residence: City	California State	US Country	US Citizenship
236 Club Drive			
Mailing Address			
San Carlos City	California State	94070 Zip	US Country

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## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Page 2 of 3

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Marcos		Hatada	
Inventor's Signature		Date	
Fremont Residence: City	California State	US Country	US Citizenship
2000 Walnut Avenue, Apt. G302			
Mailing Address			
Fremont City	California State	94538 Zip	US Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Gong-Xin		He	
Inventor's Signature		Date	
Fremont Residence: City	California State	US Country	CN Citizenship
5436 Ontario Common			
Mailing Address			
Fremont City	California State	94555 Zip	US Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Choung U.		Kim	
Inventor's Signature		Date	
San Carlos Residence: City	California State	US Country	US Citizenship
1750 Elizabeth Street			
Mailing Address			
San Carlos City	California State	94070 Zip	US Country

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## DECLARATION

ADDITIONAL INVENTOR(S)  
Supplemental Sheet

Page 3 of 3

<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
William A.		Lee	
Inventor's Signature		Date	
Los Altos Residence: City	California State	US Country	US Citizenship
749 Anderson Drive			
Mailing Address			
Los Altos City	California State	94024 Zip	US Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Martin J.		McDermott	
Inventor's Signature		Date	
Redwood City Residence: City	California State	US Country	US Citizenship
710 Bair Island Road			
Mailing Address			
Redwood City City	California State	94063 Zip	US Country
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Sundaramoorthi		Swaminathan	
Inventor's Signature		Date	
Burlingame Residence: City	California State	US Country	IN Citizenship
2858 Hillside Drive			
Mailing Address			
Burlingame City	California State	94020 Zip	US Country

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**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION**

Docket No. 259.US

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:  
My residence, post office address and citizenship are as stated below next to my name.

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below) OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION

Entitled: **Method and Compositions for Identifying Anti-HIV Therapeutic Compounds**

the specification of which:

(check one)  is attached hereto:  
 was filed on October 14, 2004 as

Application Serial No. 10/511,183

and was amended on \_\_\_\_\_;  
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and  
(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

PCT

POWER OF ATTORNEY

(for an international application filed under the Patent Cooperation Treaty)  
(PCT Rule 90.4)

COPY

The undersigned applicant(s) (Names should be indicated as they appear in the request):

GILEAD SCIENCES, INC.	HATADA, Marcos
BIRKUS, Gabriel	HE, Gong-Xin
CHEN, James M.	KIM, Choung U.
CHEN, Xiaowu	LEE, William A.
CIHLAR, Tomas	MCDERMOTT, Martin J.
EISENBERG, Eugene J.	SWAMINATHAN, Sundaramoorthi

hereby appoints (appoint) the following person as:  agent  common representative

Name and address

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

BOSSE, Mark L.  
ANDRUS, Alex  
HENSLEY, Max D.  
Gilead Sciences, Inc.  
333 Lakeside Drive  
Foster City, California 94404  
United States of America

to represent the undersigned before  all the competent International Authorities  
 the International Searching Authority only  
 the International Preliminary Examining Authority only

in connection with the international application identified below:

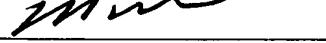
Title of the invention: "METHOD AND COMPOSITIONS FOR IDENTIFYING ANTI-HIV  
THERAPEUTIC COMPOUNDS"

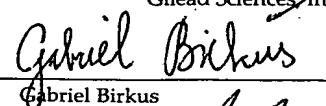
Applicant's or agent's file reference: 259.PF

International application number (if already available): PCT/US03/12943

filed with the following Office US as receiving Office  
and to make or receive payments on behalf of the undersigned.

Signature of the applicant(s) (where there are several applicants, each of them must sign; next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power):

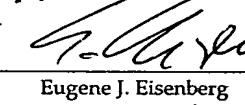
  
Mark L. Bosse  
Vice President for Intellectual Property  
Gilead Sciences, Inc.

  
Gabriel Birkus

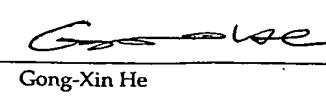
  
James M. Chen

  
Xiaowu Chen

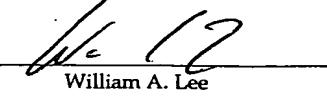
  
Tomas Cihlar

  
Eugene J. Eisenberg

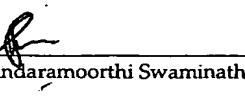
  
Marcos Hatada

  
Gong-Xin He

  
Choung U. Kim

  
William A. Lee

  
Martin J. McDermott

  
Sundaramoorthi Swaminathan